

Docket No.: 4425-090

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re Application of
TECHNOLOGY CENTER 2800

: EXPEDITED PROCEDURE
: RESPONSE UNDER 37 CFR 1.116

Pei-Ren JENG

U.S. Patent Application No. 09/729,833

: Confirmation No. 5660

Filed: December 6, 2000

: Group Art Unit: 2823

: Examiner: Hsien Lee

For: METHOD FOR PATTERNING A DUAL DAMASCENE WITH RETROGRADE
IMPLANTATION

Dear Sir:

Transmitted herewith is a *Request for Reconsideration* in the above identified application.

- ☐ No additional fee is required.
☐ Small entity status of this application has been established
☒ Also attached: *Terminal Disclaimer*

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	13	50	0	x \$ 18 =	\$ 0.00
Independent Claims	1	5	0	x \$ 84 =	\$ 0.00
If multiple dependant claims newly presented, add					n/a
<i>Terminal Disclaimer</i>					\$110.00
TOTAL FEE DUE					\$110.00

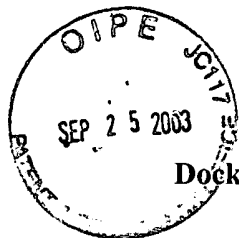
- ☒ A credit card authorization form in the amount of \$110.00 is attached.
☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 07-1337, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

Benjamin J. Hauptman
Registration No.: 29,310

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Date: September 25, 2003



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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, *Macronix International Co., Ltd.* of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior *Patent No. 6,372,660*. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later; expires for failure to pay a

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maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The undersigned is an attorney of record and therefore the certification under 37 CFR 3.73(b) is not required.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

Benjamin J. Hauptman
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